

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Ramona Lopez

**DEFENDANTS**

David Cordova and The Bureau of Land Management, United States Department of the Interior

(b) County of Residence of First Listed Plaintiff Sandoval  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Sandoval  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Cloyd G. Hinkle/Warren F. Hire, II  
Hinkle Law Offices, P.C., 3939 San Pedro, N.E., Building A  
Albuquerque, NM 87110 505/883-4357

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
FTCA, 28 U.S.C. Sec. 1346(b), 28 U.S.C. Sec. 2671, and 28 U.S.C. Sec. 1331

Brief description of cause:

Complaint to Recover Damages for Personal Injury

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
08/15/2013

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RAMONA LOPEZ,**

**Plaintiff,**

**vs.**

**No.** \_\_\_\_\_

**DAVID CORDOVA and  
THE BUREAU OF LAND MANAGEMENT,  
UNITED STATES DEPARTMENT OF  
THE INTERIOR,**

**Defendant.**

**COMPLAINT TO RECOVER DAMAGES FOR PERSONAL INJURY**

Plaintiff RAMONA LOPEZ, by and through counsel, Hinkle Law Offices, P.C. (Cloyd G. Hinkle and Warren F. Hire, II), for her Complaint against the Defendants, states as follows:

1. Plaintiff brings this action seeking damages for personal injury caused by a motor vehicle accident occurring on September 5, 2012, in Sandoval County, State of New Mexico.

**PARTIES**

2. Plaintiff Ramona Lopez is a resident of Sandoval County, State of New Mexico.

3. Upon information and belief, at all times material hereto, Defendant David Cordova (hereinafter "Defendant Cordova"), was a resident of Sandoval County, State of New Mexico, and an employee of Defendant The Bureau of Land Management, United States Department of the Interior.

4. Defendant The Bureau of Land Management (hereinafter "Defendant BLM"), is an agency of the United States Department of the Interior, which is charged by various federal laws with the management of Federal public lands.

**FEDERAL COURT JURISDICTION UNDER THE  
FEDERAL TORT CLAIMS ACT**

5. Plaintiff's claims in this action are authorized by and are brought pursuant to the provisions of the Federal Tort Claims Act (FTCA), 28 U.S.C. §1346(b), 28 U.S.C. §2671 et seq., and 28 U.S.C. §1331. The FTCA vests the court with exclusive jurisdiction of Plaintiff's claims against Defendant BLM for the negligent acts and omissions of its employees.

**FACTS**

6. On September 5, 2012, at approximately 9:05 a.m., Plaintiff was driving her 2011 Chevrolet Malibu eastbound on U.S. Highway 550 in Sandoval County, State of New Mexico. She stopped for a red traffic signal at Hill Road.

7. At the same time and place, Defendant Cordova, driving a 2008 Ford F550 Super Duty truck hauling a flatbed trailer, belonging to Defendant BLM, was also eastbound on U.S. Highway 550, directly behind the Plaintiff, when he alleges he stepped on the brakes but the BLM vehicle would not stop, and he rear ended the Plaintiff's vehicle.

8. Plaintiff suffered injuries in the accident.

**COUNT I  
NEGLIGENCE**

9. Plaintiff hereby realleges and incorporates herein the allegations set forth in the foregoing paragraphs.

10. Defendant BLM is legally responsible for the negligent actions of its employees, including Defendant Cordova, while employees are performing job duties for, or in furtherance of, the interests of the employer.

11. Defendant Cordova was an employee of the BLM at the time of the accident occurring on September 5, 2012.

12. Defendant Cordova had a duty to exercise reasonable care in the operation of Defendant BLM's vehicle. Defendant Cordova breached that duty.

13. Defendants further owed a duty of care to maintain and operate their vehicle in a safe manner and in compliance with all safety rules, including statutes, rules and regulations governing the operation and maintenance of vehicles, upon New Mexico roadways.

14. Defendants breached their duty of care by maintaining and/or operating their vehicle in a manner that was negligent, including but not limited to:

- a. Following too closely;
- b. Failure to operate the vehicle in a safe and reasonable manner;
- c. Failing to exercise due care in the maintenance of the vehicle; and
- d. Failure to ensure that Defendant Cordova was knowledgeable and skilled in emergency maneuvers and vehicle inspections.

15. As a direct and proximate cause of the Defendants' negligence, Plaintiff suffered bodily injuries, requiring medical treatment, and may require future medical treatment.

16. As a further direct and proximate cause of the Defendants' negligence, Plaintiff suffered interference with her daily life and impairment of her physical abilities, causing her a loss of enjoyment of life, which may extend into the future.

17. As a further direct and proximate cause of the Defendants' negligence, Plaintiff endured emotional distress and pain and suffering, which may extend into the future.

18. As a further direct and proximate cause of the Defendants' negligence, Plaintiff suffered the loss of her \$500 deductible.

19. Defendants are liable for the injuries they proximately caused to the Plaintiff.

20. The Plaintiff is entitled to damages from the Defendants for her past and future losses.

WHEREFORE, Plaintiff RAMONA LOPEZ prays that judgment be entered in her favor and against Defendants DAVID CORDOVA and THE BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, in amounts to be proved at trial, together with prejudgment interest, an award of costs, and any other relief which the Court may deem appropriate.

Respectfully submitted,

HINKLE LAW OFFICES, P.C.

*Electronically filed*

/s/ Cloyd G. Hinkle

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